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(15)

No. 97-1472

Supreme Court, U.S.
FILED
SEP 9 1998
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In The
Supreme Court of the United States
October Term 1997

Michael A. Haddle,
Petitioner,

v.

Jeanette G. Harrison, et al,
Respondents.

On Writ of Certiorari to the United States
Court of Appeals For the Eleventh Circuit

Adoption of Brief of Amicus Curiae
National Whistleblowers Center
By Respondent Harris Kelly

Harris J. Kelly, pro se
P.O. Box 579 LA-2
FCC Coleman Low
Coleman, FL 33521

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SUPREME COURT, U.S.

Adoption of Brief of Amicus Curiae
National Whistleblowers Center, with clarifications
for the Court, by Respondent Dennis Kelly

Now comes Respondent, Dennis J. Kelly, pro se, and adopts the brief of Amicus Curiae National Whistleblowers Center with the following clarifications for the Court.

1) Respondent Kelly was indicted along with Respondents Garrison and Healthmaster in a 133 Count Federal indictment alleging a conspiracy to defraud the United States, false statements, mail fraud, embezzlement, bank fraud, obstruction of a federal audit, money laundering and criminal forfeiture. After a short trial, at which Respondent Molloy, Respondent Garrison and Petitioner Haddle all testified for the government, Respondent Kelly was, not surprisingly, convicted of 117 counts and sentenced on October 31, 1995 to 151 months in prison, a $75,000 fine, criminal forfeiture of $934,850.02, restitution of $710,118 to Garrison controlled corporations, $5,750 in court costs and three years supervised release. U.S. v. Sutton, 132 F3d 662 at 665, 11th Cir, 1998. The sentence is currently on appeal in the Eleventh Circuit, and Kelly is incarcerated. Molloy, then chief in-house legal counsel for Healthmaster, was not prosecuted. Garrison was allowed to plead guilty to false statements, despite what the prosecution considered "overwhelming evidence" of her guilt to all charged counts, in exchange for a promise to testify against her former employer, Respondent Kelly.

2) Respondent Kelly, then chief financial officer for Healthmaster, was terminated on March 10, 1995 by Garrison and others as part of a subterfuge to exculpate Molloy, Garrison and others by shifting blame to Kelly. Petitioner alleges a conspiracy to bring about his discharge in order to effectuate retaliation against him. But Respondent Kelly was not a member of the alleged conspiracy, rather he was the conspiracy's first victim, terminated for analogous reasons three months earlier.

Respectfully submitted,

September 8, 1998

DENNIS J. KELLY, PRO SE

DENNIS J. KELLY 08817-021
FCC COLEMAN LOW A-2
P.O. BOX 579
COLEMAN, FL 33521

Certificate of Service

I, Hennis J. Kelly, have served this day a copy of this Adoption of Brief of Amicus Curiae National Whistleblowers Center By Respondent Kelly to the listed attorneys by placing same, postage paid, in the prison receptacle for the U.S. Mails.

David E. Hudson
801 Broad St., 7th Floor
P.O. Box 1564
Augusta, GA 30903

J. Patrick Claiborne
699 Broad St.
Suite 1206
Augusta, GA 30901

Charles C. Stebbins
699 Broad St.
15th First Union Bank
Augusta, GA 30901

Stephen M. Kohn
3233 P Street, N.W.
Washington, DC 20007

This 8th day of September, 1998.

Hennis J. Kelly

Hennis J. Kelly 08817-021
P.O. Box 879 LA-2
FCC Coleman Fam.
Coleman, FL 33521

September 8, 1998

Clerk of Court
United States Supreme Court
1 First Street, N.E.
Washington, DC 20543

Dear Clerk of Court:

RE: Haddle v. Garrison, et al
97-1472

Pliase find enclosed the Adoption of Brief of Amicus Curiae National Whistleblowers Center By Respondent Hennis Kelly, and the Certificate of Service for same. Would you please file this Adoption on my behalf and return a stamped copy to me at the enclosed address. Thank you for your assistance in this matter.

Sincerely,
Hennis J. Kelly

P.O. Box 879 LA-2
Coleman, FL 33521

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